

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: Kenneth Owens

 Debtor.

) Case Number: 18-15773
) Chapter 13 Proceedings
) Judge Arthur I. Harris

TRUSTEE'S MOTION TO DISMISS CASE

Now comes **LAUREN A. HELBLING**, the duly appointed and qualified Standing Chapter 13 Trustee ("Trustee") herein, and hereby moves this Honorable Court to dismiss the case of the Debtor ("Debtor") pursuant to Section 1307 of the Bankruptcy Code. In support of this motion, Trustee makes the following representations to the Court:

1. Debtor filed a petition under Chapter 13 of Title 11, U.S.C. on September 26, 2018. Contemporaneously with the petition, Debtor filed a proposed Chapter 13 Plan (the "Plan") pursuant to Section 1321 of the Bankruptcy Code. The Plan of Debtor requires payments to Trustee in the amount of \$315.00 each month.
2. Pursuant to Section 1326 of the Bankruptcy Code, the debtor shall commence making payments no later than thirty (30) days after the filing of the petition. As of the date of this pleading, Trustee is not in receipt of any funds either from or on behalf of the debtor.
3. Pursuant to Section 341 of the Bankruptcy Code, the meeting of creditors was scheduled for November 14, 2018 and subsequently adjourned to November 21, 2018, in which Debtor failed to appear.
4. Section 1307(c)(1) of the Bankruptcy Code states that unreasonable delay by the debtor that is prejudicial to creditors is grounds for dismissal of the case of the debtor. In addition, Section 1307(c)(4) of the Bankruptcy Code states that failure to start making payments to Trustee (as specified in Section 1326 of the Bankruptcy Code) is grounds for dismissal of the case of the debtor. Trustee believes that the failure of Debtor to appear for examination and start making payments to Trustee has unreasonably delayed the administration of the case of Debtor and ultimately delayed the potential repayment of the creditors of the estate of Debtor. As a result, cause exists to dismiss the case of Debtor.

WHEREFORE your Trustee, being a proper party in interest, hereby moves this Honorable Court to grant this motion and dismiss the case of Debtor for the aforementioned reasons cited and for such other relief as the Court deems proper and just.

/S/ Lauren A. Helbling

LAUREN A. HELBLING (#0038934)

Chapter 13 Trustee

200 Public Square, Suite 3860

Cleveland OH 44114-2321

Phone (216) 621-4268

Fax (216) 621-4806

ch13trustee@ch13cleveland.com

CERTIFICATE OF SERVICE

I certify that on December 7, 2018 a true and correct copy of this Trustee's Motion to Dismiss Case was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Melissa L. Resar, on behalf of Kenneth Owens, Debtor, at mresar@ohiolegalclinic.com

And by regular U.S. mail, postage prepaid, on:

Kenneth Owens, Debtor, at 2902 Woodhill Road #2, Cleveland, OH 44104

/S/ Lauren A. Helbling

LAUREN A. HELBLING (#0038934)

Chapter 13 Trustee

200 Public Square, Suite 3860

Cleveland OH 44114-2321

Phone (216) 621-4268 Fax (216) 621-4806

ch13trustee@ch13cleve.com

LAH/kb

12/7/18